

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Benjamin Stayton,

Civil No. 19-1294 (DWF/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Mower County Sheriff Office,
Officer Jim Lamecker, Austin Police
Department, Officer John Mueller,
Officer Ryan Leif, Officer Ryan McCormack,
and Officer Dave Dyke,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung filed January 29, 2020 (Doc. No. 41) addressing Defendants Austin Police Department, Dave Dyke, Ryan Leif, Ryan McCormack, and John Mueller's Motion to Dismiss (Doc. No. 17), and Defendants Jim Lamecker and Mower County Sheriff Office's Motion to Dismiss (Doc. No. 23) and Motion to Declare Plaintiff a Vexatious Litigant (Doc. No. 29).

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference here. The Magistrate Judge recommended granting the Defendants' Motions to Dismiss and dismissing Plaintiff's Complaint (Doc. No. 1) with prejudice. Magistrate Judge Leung also recommended that the Court grant Defendants Jim Lamecker and Mower County Sheriff Office's Motion to Declare Plaintiff a Vexatious Litigant and that Plaintiff be restricted from filing any legal actions in this District unless he is represented by counsel

or first obtains prior written authorization to file an action from a judicial officer of this District. No objections have been filed to Magistrate Judge Leung's Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Tony N. Leung's January 29, 2020 Report and Recommendation (Doc. No. [41]) is **ADOPTED**.
2. Defendants Austin Police Department, Dave Dyke, Ryan Leif, Ryan McCormack, and John Mueller's Motion to Dismiss (Doc. No. [17]) is **GRANTED**.
3. Defendants Jim Lamecker and Mower County Sheriff Office's Motion to Dismiss (Doc. No. [23]) is **GRANTED**.
4. Plaintiff's Complaint (Doc. No. [1]) is **DISMISSED WITH PREJUDICE**.
5. Defendants Jim Lamecker and Mower County Sheriff Office's Motion to Declare Plaintiff a Vexatious Litigant (Doc. No. [29]) is **GRANTED**.
 - a. Plaintiff Benjamin Stayton (a.k.a. Benjamin Dukhovnyy Voin Bey, Benjamin Isaiah Waidler Stayton) is restricted from filing any legal actions in this District unless he is represented by counsel or first obtains prior written authorization to file an action from a judicial officer of this District.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 13, 2020

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge